

engaged in sexual misconduct on a four-year-old boy?

A. No, I'm not.

Q. And how did you feel being accused of sexual misconduct on a four-year-old boy?

A. Well, the allegation was - was baseless so I wasn't so concerned about those allegations other than it could impact my career if you know it became a true investigation. It was just more a concern about this person obsession with myself and my family based on the other email and - and now making allegations of misconduct. It was - it was just a concern that Mr. [REDACTED] had become obsessed with me somehow.

Q. I'll return those exhibits. And as a result of reading that last email, Exhibit Six, did you take any steps as a result of that email?

A. It was the same conversation I had with my - my family just regarding their safety and being aware of anyone fitting his description, watching them or - or - or making contact with them.

Q. To your knowledge, were you ever investigated for sexual misconduct on - on a boy?

A. No.

Q. During that interview with Officer Smith were you asked about whether you had engaged in any sexual misconduct?

A. I don't remember being asked. I was just being advised that the service had received a series of emails from Mr. [REDACTED].

Q. I hear beeping, I just want to make sure Madam Reporter is okay.

MADAM COURT REPORTER: Thank you.

MS. [REDACTED] Q. Other than emails, were you made

that there's an army of men who are keeping - your residence under surveillance for example?

A. No.

Q. Okay. You mentioned he - he had said in a previous email that he observed you and your family at the Fairview Mall. I want to make sure I'm not misquoting you. Is that what you just said?

A. Yes, that was one of the emails that Mr. [redacted] sent.

Q. I'm going to suggest to you sir that nowhere in the email that you're making reference to is there any mention of your family.

A. I recollected he said he observed me and my family at Fairview Mall.

Q. Perhaps - perhaps in fairness to the witness Your Honour we could just put the - the Exhibit to him. I think that's Exhibit Number Five.

THE COURT: Take the Exhibit and hand it to him.

MR. [redacted]: Permission to approach Your Honour?

THE COURT: Yes, certainly.

MR. [redacted]: Q. Could you show me sir where in that document there's any reference made to any of your family members?

A. You're correct. In this email it doesn't say specifically the family, yeah.

Q. You can probably give that email back to the clerk.

A. Okay, thank you.

Q. I will do that. Not - no reference to your family in this email. Do you recall there being any reference to your family in any of these emails, these four emails that you've discussed with my friend?

as - there was significant other and I - I think wrongly or -
or - or - or correctly that's where I made the
inference that you know he's - he's watching me and my family
and I - I apologize if I misstated that in the email regarding
Fairview Mall that I - that I - it's probably just an
inference that I drew.

MR. : Q. Okay.

A. Maybe because I only ever go to the mall with
my family.

Q. Oh, I see.

A. If I- if I go to the mall.

Q. If you go to the mall and you told Detective
Smith that you hadn't been to the mall on that particular
date.

A. Yes, I did.

Q. Okay and there is some mention of some
families in the March 8th email but that March 8th email
predates your contact with Mr. correct?

A. Yes.

Q. And it makes no reference to you in it
whatsoever. Correct?

A. They did not.

Q. Okay. So that I'm going to suggest to you
probably didn't cause you much concern given that they had
nothing to do with you whatsoever.

A. Other than it just showed a - a - a - perhaps
mindset that was disturbed.

Q. Okay. A disturbed mindset. With regards to
the traffic stop - actually, no I'll - I'll save that for
later. Now, you'd mentioned something about your concern over
your career with regards to an unfounded accusation of - of
sexual misconduct and I just want to probe that issue with you

a little further. Have you missed any promotions as a result of this incident?

A. Of this incident?

Q. Yes.

A. No.

Q. No, okay. Have you - were you put on suspension or with or without pay as a result of this incident?

A. No.

Q. No, okay. Did you receive any reprimand whatsoever as a result of this incident?

A. No.

Q. Okay. Now, you knew that you hadn't conducted this - you hadn't been guilty of any sexual misconduct towards a four-year-old boy. I think you indicated that, right?

A. I'm sorry?

Q. Okay. I'm going to suggest to you, well actually you did state to my friend that you - that you knew that the accusation in the fourth and final email was false, correct?

A. Which is the fourth and final one? I'm sorry.

Q. The one - the one with respect to the accusation of sexual misconduct.

A. Yes, I did know they were false.

Q. Okay. Given that knowledge is it realistic to think that an investigation would find you guilty or that you would somehow have your career put in jeopardy as a result of that unfounded accusation? That big accusation which you knew to be false?

A. Well, I'm not - if - if an allegation was put forward about any misconduct, sexual or other criminal. I'm a police officer and an investigation ensued as a result of it

When it - it would put your career - you normally would put on - you know different duties or something while that occurred so any - any allegations of criminal misconduct by a police officer is of a concern...

Q. Okay.

A. ...obviously by myself and by the community and by the service.

Q. Well what about a situation where the - the - the accusation hasn't been particularized and there's no investigation that's going to ensue?

A. Well, the police look into any - any allegation and they have to determine whether it's - if it's founded or unfounded so there's always an initial - any - any - any - any allegation founded or unfounded is always investigated.

Q. But this one wasn't.

A. This one wasn't what?

Q. The - and there was no investigation. I'm going to suggest to you sir that there was no investigation into whether or not you had - you had committed a sexual assault on a four-year-old boy. I'm going to suggest that to you. Are you aware of any investigation that was ever made into this allegation?

A. Well, there's nothing to investigate but I'm - I'm sure at the onset of - of it, there would have been inquiries if there was an investigation ongoing somewhere. It may not have been our police service or...

Q. But you knew there wasn't.

A. I knew there wasn't?

Q. Yes.

A. I wasn't aware that there was.

Q. Okay.

Q. In reference to the interview, yeah.

A. I believe I did, yes.

Q. You did? Okay and I think you indicated to
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Q. Would it assist you to have a copy of it
ecause we can - I believe it's an Exhibit so we can - we can..

A. Yes, that would be great.

Q. Your Honour, if I may? Thank you. Perhaps
ou could refer to page 11? Oops, sorry.

A. Yes, I'm on page 11.

Q. Okay. I thought it was on page 11. Ah,
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owards line, well, between line 20 and 25 there. You say:

"Okay, well...

A. I'm sorry, sir?

THE COURT: Yes, speak up please, Mr.

MR. Okay. Page 14...

THE COURT: Thank you.

MR. Q. ...you ask - are you on that page?

A. Yes.

Q. Okay. You ask:

"Okay, well you make an allegation here
and I'm willing to investigate that and
- and...

And you go on to say:

"Okay but the allegation you make about Constable McAlister, I'm willing to investigate it."

And then it says:

"If you can give me something to substantiate it. Tell me about it. That and I'll - I'll look into that."

MR. Q. Correct?

A. Yes.

Q. Okay. Now, are you indicating that Mr. - are you indicating to that you don't have enough information to - to - to investigate the - the allegation of sexual misconduct?

A. I would need more information to further the investigation. He's saying that he made that allegation of sexual misconduct to proceed further I've spoken to the Professional Standards to see if there was a complaint against him and I've spoken with the military to see if there was a complaint against him and I've spoken to Constable McAlister.

Q. Okay. So, you're investigating if there was a complaint but are you investigating whether or not there's been some sort of sexual misconduct?

A. No, other than just to check to see if there's an allegation.

Q. Okay - okay and the original email that makes reference to some sort of misconduct, did that say there was misconduct or does it say that the author believes there was

misconduct?

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MADAM COURT CLERK: Would you like it to? The index?

MR. : Yes, please.

A. I'm sorry. The question again?

MR. : Q. The question was does the email state that there was sexual misconduct or that there's a belief - the author's belief that there was sexual misconduct?

A. It states that we believe McAlister had engaged and is still engaging in sexual misconduct.

Q. Okay. Now, you had contacted the military police to ascertain if there was an ongoing investigation or an investigation and they told you there was not. Correct?

A. Yes.

Q. Okay. Had they told you there was an investigation would you have taken over that investigation?

A. There could be many variables in that. If it was as an allegation of inappropriate behaviour by one of our officers, I may or may not have, that would have been a decision made by senior officers. I have done numerous internal investigations. I have also been aware of them that are handled by Professional Standards Branch so I - I can't answer that as definitively.

Q. Do - do you have authority to take over a military investigation in your capacity as a - as a officer of the - where are we now- the Kitchener police?

A. Again, it depends on the allegation. I - I

can't speak to that. I don't know. Depends on the allegation if they said we need you to work on it here. I may or may not...

Q. Okay.

A. ...if it's a separate investigation then they would handle it and deal with it.

Q. If it was a separate investigation they'd handle it and deal with it and if it wasn't you'd help them if they asked for that help. Correct?

A. Yes.

Q. Okay.

A. But - sorry, I - I should just qualify that - that if there is an investigation it's - it's prudent that our officers - sorry, if there's an investigation into one of our officers it goes through Professional Standards.

Q. Okay. So, Professional Standards is really the people who should be handling that kind of investigation.

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Q. Okay. So, in addition to the military police then it would be up to your internal review mechanisms to decide whether or not you in fact for then - that you continue that investigation into the sexual misconduct. Correct?

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Q. Okay. So, really you would have to wait till someone asked you to - to handle that before you could handle that. Correct?

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Constable John McAlister - Cr. Ex.

A. Well, now that you've shown me that one, I - I seemed to have recollected independently that there was reference to me and my family at Fairview Mall.

Q. Okay.

A. So, maybe that was just...

Q. I'm going to suggest to you sir that your independent recollection was incorrect. .

THE COURT: May I see all of those Exhibits Madam Clerk please? Thank you.

MR. . Q. There is a March 17th email which indicates that you have a significant other. Other than that here's no reference in any of these emails to your family, I suggest to you.

A. If - if I could see the March 17th one.

Q. Absolutely.

A. Then it may - may - may - may...

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A. It may help me understand why I made that inference.

MS. . Although perhaps in the interest of fairness the officer said he recollected something of the March 8th email and perhaps allow him to make reference to the March 8th email will also be helpful to him.

MR. Your Honour, I'll just let Mr. - I'll let Constable McAlister read through the emails before I continue and Madam Clerks indicating to me I'm not speaking loud enough so I'll endeavour to do so. My apologies to the court.

A. Yeah, in the March 17th one there is one - he

Q. Now, if I'm not mistaken you also questioned about whether or not he had more information about the investigation being conducted by the military police. Correct? I'm looking at page 16, near - at line 20. You're asking:

"No, but would you? Is there any - is there any way you would know that information?"

A. Yes.

Q. And you're making reference to a military investigation.

A. Yes.

Q. Okay and the answer is:

"Honestly, I don't know."

Q. Correct?

A. Yes.

Q. Okay. I think you also indicate to that you don't have very much to go on. You don't know which branch or which service or which department or which location the investigation is being conducted so you're asking for more information? Correct.

A. I don't see that.

Q. Okay, let me see if I can help you find that.

A. On page 17 I ask him:

"If he could give me a contact, I would gladly do further investigation into it. The military's a big

organization."

Q. Okay. You mention it's a big organization it's like saying call the police. Well, calling the police - the - you mention that right? You say calling the military police is like being told to call the police. You don't know who to contact, you don't know where to go. That kind of thing. You can't really...

THE COURT: I think the reporter's having difficulty hearing you as well Mr. . I am going to have to ask you yet again please to speak more slowly and to please...

MR. . My apology Your Honour.

THE COURT: And to please elevate your voice. You drift off very quietly at the end of your sentences and I cannot hear you.

MR. : Q. My apologies, Your Honour.

Sergeant you're indicating to that you don't have enough information to conduct your investigation. Correct?

A. To further the investigation.

Q. To further your investigation, okay.

A. The - the information was sparse.

Q. The information was sparse, okay. Thank you. Did you believe the - the allegation?

A. Did I believe the allegation?

Q. Yes.

A. Which...

Q. That - that Constable McAlister was conducting sexual misconduct.

A. No.

Q. Okay and if there had been an - an investigation into Officer McAlister's conduct by either the

A. Sorry, the...

THE COURT: Let him finish the answer, please Mr.
Thank you. Go ahead.

MR. Okay, yeah, absolutely.

A. Sorry. Other than the original email which got the entire investigation going and then the allegations about the sexual misconduct, the phone messages. He didn't provide any further information on the sexual misconduct, no.

Q. Okay and you explained to him in the interview that you were willing to do an investigation. Correct?

A. Yes.

Q. And you explained to him in the interview that you couldn't really do an investigation until you had more information. Correct? There was nothing to investigate.

A. I don't know if I said that. If you have a line number that would reference it I would be glad to look.

Q. How about page 14, between lines 30 - 25 and 30 you say:

"Okay, but the allegation you make about Constable McAlister, I'm more than willing to look - I'm - I'm more than willing to investigate it."

Q. You say that to him. Right?

A. Yes.

Q. Okay. So you're leading him to believe there hasn't been an investigation yet. That you need more information to investigate, correct?

MS. That's a two-part question.

MR. Q. Well, all right. We'll ask in -
in two parts then.

A. My - my investigation commenced March the 27th when it was brought to me that these emails had been sent on the 8th of March, the 17th of March, the 20th of March and the 25th of March. One part of my investigation was the allegation of sexual misconduct. There - there were several - several other parts of my investigation, which included allegations of the military that I spoke with them and allegations of monitoring Constable McAlister and phone messages that the military police had been investigating. Those were all different parts of my investigation. As far as the sexual misconduct allegation it was - it was one part of the entire investigation.

Q. Okay. So were you misleading . . . then when you said:

"I'm more than willing to investigate it."

Q. You had already investigated it at this point. You didn't need any more information to - to investigate it.

A. I'm sorry, sir I don't - I - I need more information to investigate which part?

Q. The allegation of sexual misconduct.

A. Yes, I did more investigation or more information...

Q. Okay.

A. ...to investigate it further, yes.

Q. Okay. Thank you very much. No further questions, Your Honour.

THE COURT: Thank you. Now, what I propose to do is clearly there has been an oversight in relation to the examination in-chief in relation

engaged in sexual misconduct on a four-year-old boy?

A. No, I'm not.

Q. And how did you feel being accused of sexual misconduct on a four-year-old boy?

A. Well, the allegation was - was baseless so I wasn't so concerned about those allegations other than it could impact my career if you know it became a true investigation. It was just more a concern about this person obsession with myself and my family based on the other email and - and now making allegations of misconduct. It was - it was just a concern that Mr. [REDACTED] had become obsessed with me somehow.

Q. I'll return those exhibits. And as a result of reading that last email, Exhibit Six, did you take any steps as a result of that email?

A. It was the same conversation I had with my - my family just regarding their safety and being aware of anyone fitting his description, watching them or - or - or making contact with them.

Q. To your knowledge, were you ever investigated for sexual misconduct on - on a boy?

A. No.

Q. During that interview with Officer Smith were you asked about whether you had engaged in any sexual misconduct?

A. I don't remember being asked. I was just being advised that the service had received a series of emails from Mr. [REDACTED].

Q. I hear beeping, I just want to make sure Madam Reporter is okay.

MADAM COURT REPORTER: Thank you.

MS. [REDACTED] Q. Other than emails, were you made

that there's an army of men who are keeping - your residence under surveillance for example?

A. No.

Q. Okay. You mentioned he - he had said in a previous email that he observed you and your family at the Fairview Mall. I want to make sure I'm not misquoting you. Is that what you just said?

A. Yes, that was one of the emails that Mr. [redacted] sent.

Q. I'm going to suggest to you sir that nowhere in the email that you're making reference to is there any mention of your family.

A. I recollected he said he observed me and my family at Fairview Mall.

Q. Perhaps - perhaps in fairness to the witness Your Honour we could just put the - the Exhibit to him. I think that's Exhibit Number Five.

THE COURT: Take the Exhibit and hand it to him.

MR. [redacted]: Permission to approach Your Honour?

THE COURT: Yes, certainly.

MR. [redacted]: Q. Could you show me sir where in that document there's any reference made to any of your family members?

A. You're correct. In this email it doesn't say specifically the family, yeah.

Q. You can probably give that email back to the clerk.

A. Okay, thank you.

Q. I will do that. Not - no reference to your family in this email. Do you recall there being any reference to your family in any of these emails, these four emails that you've discussed with my friend?

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and I - I apologize if I misstated that in the email regarding
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inference that I drew.

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my family.

Q. Oh, I see.

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Q. If you go to the mall and you told Detective
Smith that you hadn't been to the mall on that particular
date.

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families in the March 8th email but that March 8th email
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Q. And it makes no reference to you in it
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your career with regards to an unfounded accusation of - of
sexual misconduct and I just want to probe that issue with you

a little further. Have you missed any promotions as a result of this incident?

A. Of this incident?

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A. No.

Q. No, okay. Have you - were you put on suspension or with or without pay as a result of this incident?

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Q. No, okay. Did you receive any reprimand whatsoever as a result of this incident?

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Q. Okay. Now, you knew that you hadn't conducted this - you hadn't been guilty of any sexual misconduct towards a four-year-old boy. I think you indicated that, right?

A. I'm sorry?

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A. Which is the fourth and final one? I'm sorry.

Q. The one - the one with respect to the accusation of sexual misconduct.

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Q. Okay. Given that knowledge is it realistic to think that an investigation would find you guilty or that you would somehow have your career put in jeopardy as a result of that unfounded accusation? That big accusation which you knew to be false?

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When it - it would put your career - you normally would put on - you know different duties or something while that occurred so any - any allegations of criminal misconduct by a police officer is of a concern...

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A. ...obviously by myself and by the community and by the service.

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A. This one wasn't what?

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Q. But you knew there wasn't.

A. I knew there wasn't?

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A. I wasn't aware that there was.

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Q. In reference to the interview, yeah.

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Q. Correct?

A. Yes.

Q. Okay. I think you also indicate to that you don't have very much to go on. You don't know which branch or which service or which department or which location the investigation is being conducted so you're asking for more information? Correct.

A. I don't see that.

Q. Okay, let me see if I can help you find that.

A. On page 17 I ask him:

"If he could give me a contact, I would gladly do further investigation into it. The military's a big

organization."

Q. Okay. You mention it's a big organization it's like saying call the police. Well, calling the police - the - you mention that right? You say calling the military police is like being told to call the police. You don't know who to contact, you don't know where to go. That kind of thing. You can't really...

THE COURT: I think the reporter's having difficulty hearing you as well Mr. . I am going to have to ask you yet again please to speak more slowly and to please...

MR. . My apology Your Honour.

THE COURT: And to please elevate your voice. You drift off very quietly at the end of your sentences and I cannot hear you.

MR. : Q. My apologies, Your Honour.

Sergeant you're indicating to that you don't have enough information to conduct your investigation. Correct?

A. To further the investigation.

Q. To further your investigation, okay.

A. The - the information was sparse.

Q. The information was sparse, okay. Thank you. Did you believe the - the allegation?

A. Did I believe the allegation?

Q. Yes.

A. Which...

Q. That - that Constable McAlister was conducting sexual misconduct.

A. No.

Q. Okay and if there had been an - an investigation into Officer McAlister's conduct by either the

A. Sorry, the...

THE COURT: Let him finish the answer, please Mr.
Thank you. Go ahead.

MR. Okay, yeah, absolutely.

A. Sorry. Other than the original email which got the entire investigation going and then the allegations about the sexual misconduct, the phone messages. He didn't provide any further information on the sexual misconduct, no.

Q. Okay and you explained to him in the interview that you were willing to do an investigation. Correct?

A. Yes.

Q. And you explained to him in the interview that you couldn't really do an investigation until you had more information. Correct? There was nothing to investigate.

A. I don't know if I said that. If you have a line number that would reference it I would be glad to look.

Q. How about page 14, between lines 30 - 25 and 30 you say:

"Okay, but the allegation you make about Constable McAlister, I'm more than willing to look - I'm - I'm more than willing to investigate it."

Q. You say that to him. Right?

A. Yes.

Q. Okay. So you're leading him to believe there hasn't been an investigation yet. That you need more information to investigate, correct?

MS. That's a two-part question.

MR. Q. Well, all right. We'll ask in -
in two parts then.

A. My - my investigation commenced March the 27th when it was brought to me that these emails had been sent on the 8th of March, the 17th of March, the 20th of March and the 25th of March. One part of my investigation was the allegation of sexual misconduct. There - there were several - several other parts of my investigation, which included allegations of the military that I spoke with them and allegations of monitoring Constable McAlister and phone messages that the military police had been investigating. Those were all different parts of my investigation. As far as the sexual misconduct allegation it was - it was one part of the entire investigation.

Q. Okay. So were you misleading . . . then when you said:

"I'm more than willing to investigate it."

Q. You had already investigated it at this point. You didn't need any more information to - to investigate it.

A. I'm sorry, sir I don't - I - I need more information to investigate which part?

Q. The allegation of sexual misconduct.

A. Yes, I did more investigation or more information...

Q. Okay.

A. ...to investigate it further, yes.

Q. Okay. Thank you very much. No further questions, Your Honour.

THE COURT: Thank you. Now, what I propose to do is clearly there has been an oversight in relation to the examination in-chief in relation